

REMARKS

This application has been reviewed in light of the final Office Action dated September 30, 2010. Claims 29-32, 34-36, 38-42 and 44-46, and 48 are pending in this application, with Claims 29, 39, and 48 being independent. Claims 29, 39, and 48 have been amended to even further clarify the claimed subject matter. Claims 37 and 47 have been canceled, without prejudice or disclaimer of subject matter, and the subject matter of those claims has been incorporated in corresponding ones of the independent claims. Favorable reconsideration and allowance are respectfully requested.

Claims 29-32, 35, 37, 39-42, 45, 47 and 48 were rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,694,212 (Kennedy).

Claims 34, 36, 44 and 46 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy.

Claim 38 was rejected under 35 U.S.C. 103(a) as being unpatentable over Kennedy, and further in view of U.S. Patent Application Publication No. 2002/0110786 (Diller).

The Office Action has taken the position on page 3 that:

“...With respect to claims 37 and 47, the applicant does not positively claim an equator, a marginal crest, a cusp and a fissure since the applicant uses the term “may” in the claim language, therefore Kennedy the proximal contact line is located between the preparation boundary and a marginal crest of a tooth which the applicant defines as an equator, therefore, one of the distinct dentally specific indicia may include an equator.”

The independent claims each have been amended to further clarify that the plurality of distinct dentally specific indicia include at least one of an equator, a marginal crest, a cusp and a fissure.

Kennedy is not seen to teach or suggest those features. While the Office Action argues in the above quotation that “[in] Kennedy the proximal contact line is located

between the preparation boundary and a marginal crest of a tooth which the applicant defines as an equator, therefore, one of the distinct dentally specific indicia may include an equator”, it is not clear which specific parts of Kennedy the Office Action is asserting teaches those features. Also, the parts of Kennedy (col. 4, lines 19-31, col. 5, lines 30-48, col. 6, lines 12-27 and 37-48, col. 7, lines 30-32) cited at the top part of page 3 of the Office Action refer to merely an input device that can be used by a user to implement selections and alterations (col. 4, lines 19-31), a program to automatically design a crown, and a bottom line 310 filling an area between teeth 302, 304 and providing retainers 312, 314 that cover lingual surfaces of teeth 302, 304 (col. 5, lines 30-48). They additionally refer to merely a proximal contact line 602 that defines a middle periphery of retainers 604, 606 positioned over lingual surfaces of teeth 302, 304, a proximal contact line 602’ positioned at an elevation just above a bottom line (col. 6, lines 12-27), a new position of a proximal contact line 702 positioned below that of a proposed line 602’, wherein line 702 is contoured to profile line 402 (col. 6, lines 12-27), and a bridge periphery 802 of a sectional view containing points indicating elevation of the bottom line and proximal contact line as well as a labio-lingual line and an incisal line (col. 6, lines 37-48). A user can move point 810 of the proximal contact line 702 down to just above the bottom line point 812 residing on the profile line 402 (col. 6, lines 37-48). Additionally, col. 7, lines 30-32 refers to an incisal line 1106 shaped to have sufficient width to fill the space between teeth 302, 304 and to have a thickness consistent with the incisal surface thickness of the teeth.

Nothing in those parts of Kennedy, or anywhere else in that reference, is seen to teach or suggest a dental restoration body including a plurality of distinct dentally specific indicia, each indicium being a single, selectable, unique type of dental feature, that is different from each other type of indicia, *the plurality of distinct dentally specific indicia*

include at least one of an equator, a marginal crest, a cusp and a fissure, as set forth in Claim 29. Accordingly, Claim 29 is clearly patentable over Kennedy, and withdrawal of the rejection of that claim is respectfully requested.

If the Examiner for some reason does not agree to remove the rejection of Claim 29, she is respectfully requested to specify which particular parts of Kennedy she believes teaches an equator, a marginal crest, a cusp and a fissure.

The other independent claims in this application each recite features similar to those of Claim 29 emphasized above, and also are believed to be clearly patentable over Kennedy for similar reasons.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as a reference against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent Claims 29 and 39 discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

This Amendment is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R. § 1.116. The amendments to the independent claims herein merely incorporate subject matter from a dependent claim that was already considered in this application, and thus no new consideration or search is required. In any event, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues,

is respectfully requested. Should the Examiner believe that issues remain outstanding, he is respectfully requested to contact Applicant's undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All Correspondence should continue to be directed to our below listed address.

Respectfully submitted,

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